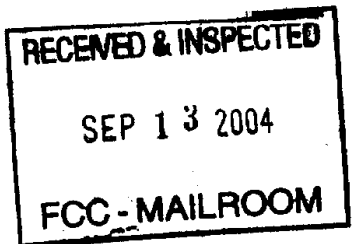


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THE UNIVERSITY OF
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September 3, 2004

ORIGINAL

Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

To the Secretary:

I attempted to file the enclosed information as an ex parte comment (response to interrogatory) for MM Docket 00-167 on Thursday September 2, 2004 at approximately 4:00 pm PST. The information is an email message I communicated to Stacy Robinson Fuller, on the staff of Commissioner Abernathy, on September 1. The ECFS server would not accept the filing, rejecting all comments on this docket with an error message indicating that the docket is closed and no further information may be added to the record. Presumably the error message occurred because the sunshine period for this docket expired at the close of business EST on September 2.

I made every effort to file the information electronically in timely fashion. When the ECFS rejected my filing, I submitted the information to the fccinfo@fcc.gov mail site at approximately 4:45 pm PST on September 2 as that was the only address I could identify at that late hour that would be certain to accept the information. I am now submitting the information in hard copy form.

Thank you for your assistance in adding this information to the record for this docket.

Sincerely yours,

Dale Kunkel, Ph.D.

No. of Copies rec'd 0
List ABCDE

To: srobinso@fcc.gov
From: Dale Kunkel <kunkel@u.arizona.edu>
Subject: follow-up
Cc:
Bcc: pmiller@childrennow.org

Attachments:

In our meeting Monday, I promised to send you some comments why interactive ads are more potent than "regular" ads, and why separators aren't an effective means to address the issue. Hope this helps.

INTERACTIVE ADS MORE POTENT

By engaging children's attention and interest at deeper and more pro-active levels, interactive ads are certain to be more potent in their persuasive power to influence children than traditional non-interactive television advertising. Interactive ads have a common goal to immerse children in a product-oriented environment, often featuring games and product-based entertainment content, in an effort to extend the time that children are exposed to the commercial material. Allowing "click-through" technology that transports child-viewers to commercial Internet sites -- whether the origin is from a program or a commercial on broadcast television -- contravenes the well-established policy of the Commission, and the Congress, that advertising to children should be restricted to its lowest possible levels.

SEPARATORS

Program/commercial separation devices (or "bumpers") are required at the beginning and end of commercial breaks in children's programming, based on policies adopted by the FCC in 1974. Several studies have examined the effectiveness of separators at helping children recognize and defend against advertising, and the findings are consistent that they do not (see D. Kunkel, 2001, *Children and Television Advertising*, in D. & J. Singer (Eds.), *Handbook of Children and the Media*, pp.375-394, Thousand Oaks, CA:Sage Publications.) This is due in part to the fact that most separators are not perceptually distinct from the adjacent program content, as more visually distinct separators have been shown to be more effective. Separation pages on the Internet, or labeling commercial material on Internet pages with the term "ad" or "commercial" have not been shown to be effective as a remedy to protect children; and the evidence from television studies suggests strongly that such efforts would not be fruitful.

Note that the Commission was admonished by the US Court of Appeals for failing to properly consider the research on children's vulnerability to commercial persuasion when it deregulated its long-standing limits on advertising to children in 1985. See *Action for Children's Television v. FCC*, 821F.2d 741 (DC Cir. 1987). This remand was rendered moot by CTA ad time limits.

NOTE NEW EMAIL ADDRESS -- kunkel@u.arizona.edu

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